

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.363 OF 2005**

Maharashtra State
Electricity Board

...Appellant

Vs.

M/s. Sharada Synthetics Ltd.

...Respondent

Mr.P.P.Chavan i/b M/s.Little & Co. for the Appellant

Mr.Rajadhyaksha i/b K.V.Aiyar & Associates for Respondent.

**CORAM: A.S.OKA, J.
DATED: APRIL 26,2005.**

P.C.:

1. Heard Counsel appearing for the parties. The Appeal is by the original Defendant-M.S.E.B. By impugned Judgment and Order dated 5th May 2001, the learned Trial Judge has granted temporary injunction restraining the Appellant from disconnecting the electricity connection supplied to the Respondent till the decision of the suit.

2. The order impugned is a discretionary order and is operating almost for last about four years. There is no dispute that pleadings in the suit are complete. Mr.Rajadhyaksha, learned Counsel appearing for the Respondent pointed out that the Respondent has earlier deposited a sum of Rs.13,07,207/- with the Appellant-Board. He fairly stated that without prejudice to the rights and contentions of the Respondent in the pending suit, the Respondent is ready and willing to deposit a sum of Rs.10,00,000/- on or before 24th June 2005. The said statement made by Shri Rajadhyaksha is accepted.

3. Considering the fact that a discretionary order of temporary injunction has been operating for last more than 3 years and in view of the statement made by Shri Rajadhyaksha, no interference is called for at this stage. Considering the nature of the dispute between the parties, hearing of the suit deserves to be expedited.

4. Hence, I pass the following order :

i) The statement made by the learned Counsel appearing for the Respondent is accepted.

ii) Appeal from Order is dismissed with no order as to costs.

iii) It is made clear that the deposit of sum of Rs.10,00,000/- by the Respondent with the Appellant will be without prejudice to the rights and contentions of both the parties in the suit and it will be subject to further orders which may be passed by the learned Trial Judge at the time of final hearing of the suit.

iv) The learned Trial Judge is directed to hear and decide the suit as expeditiously as possible and in any event on or before 31st January 2006.

v) All contentions of the parties on merits of the suit are expressly kept open.

vi) Parties to act upon an authenticated copy of the order.

Judge.